

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA**

THOMAS E. PEREZ, Secretary of Labor,  
United States Department of Labor,

Plaintiff,

v.

EL TEQUILA, LLC, and  
CARLOS AGUIRRE, Individually,

Defendants.

Case No. 12-CV-00588-JED-PJC

**DEFENDANTS' MOTION TO FILE ANSWER TO  
PLAINTIFF'S THIRD AMENDED COMPLAINT  
OUT OF TIME**

COME NOW the Defendants by and through their Attorney of Record, Bill V. Wilkinson of the Wilkinson Law Firm, and in support of this Motion allege as follows;

1. Plaintiff filed its Third Amended Complaint on February 5, 2015 (DOC 165).
2. The Answer to the Third Amended Complaint was due to be filed on February 26, 2015.
3. Defendants' counsel failed to timely file the Answer because the Answer date was not properly docketed. Defense counsel did not realize the failure to timely file the Answer until March 19, 2015.
4. A comparison between the Plaintiff's Second Amended Complaint and the Third Amended Complaint reveals no substantive changes except that the name of the Secretary of Labor is changed from Hilda L. Solis to Thomas E. Perez. The answer which Defendants desire to

file, likewise, has no substantive changes from the answer to the Plaintiff's Second Amended Complaint.

5. Defendants request the Court to permit the Defendants to file the Answer out of time.
6. Granting this Motion will not affect the Scheduling Order entered by the Court and will not otherwise interfere with other dates or procedures scheduled in this civil case.
7. Defendants' Answer to the Third Amended Petition is attached as Exhibit 1.
8. Counsel for Defendants has communicated with counsel for the Plaintiff regarding the Motion. Counsel for Plaintiff is opposed to the Motion.

WHEREFORE, Defendants pray the Court to grant this Motion and permit the Defendants to file their Answer to the Plaintiff's Third Amended Complaint out of time.

Respectfully submitted,

WILKINSON LAW FIRM

By: s/ Bill Wilkinson  
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**ATTORNEY FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 20th day of March 2015, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Matthew P. Sallusti  
U.S. DEPARTMENT OF LABOR  
525 Griffin Street #501  
Dallas TX 75202  
**ATTORNEY FOR PLAINTIFF**

s/ Bill Wilkinson  
Bill V. Wilkinson